

Ex 14B

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Estate of Michele M. Walker, Charles E. Walker,
Administrator

VS

NO: 1:11-CV-421-PB

State of New Hampshire - Administrative Office of
the Courts and State of New Hampshire - NH Second
Circuit Littleton District Division -
Administrative Office of the Courts

DEPOSITION OF PAMELA KOZLOWSKI

VOLUME II

This deposition taken by agreement of counsel
at the Office of the Attorney General, 33 Capitol
Street, Concord, New Hampshire, on Friday,
October 26, 2012, commencing at 1:53 P.M.

1 her concerns with respect to Lisa?

2 MS. DEMPSEY: Objection as to form.

3 You can answer.

4 A You mean to everybody?

5 Q Well, to you, to Paula?

6 MS. DEMPSEY: Objection as to form.

7 Q Is it fair to say that Michele was trying to
8 get help from the court system in the August
9 12th to August 19th time period with respect
10 to her concerns about Lisa?

11 A Yes, certainly on the August 13th occurrence
12 of events.

13 Q I think we talked a little earlier, Michele
14 often had concerns that she expressed to you
15 about family division, correct?

16 A Yes.

17 Q And it is fair to say you kind of tuned her
18 out during a lot of those conversations with
19 respect to her complaints, correct?

20 MS. DEMPSEY: Objection as to form.

21 You can answer.

22 A Yes.

23 Q So you don't really, today, have a

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1 Q Right.

2 A No. I don't think so. I did not take her

3 telling me the things as if she were reporting

4 them to me.

5 Q Okay. If she were reporting sexual harassment

6 to you, then your responsibility would be to

7 what?

8 A To make a report.

9 Q And who do you report to?

10 A Via this process, there is a process in place

11 that usually goes to either Don Goodnow or an

12 assignee of Don Goodnow, to commence the

13 investigation.

14 Q And he is at AOC, correct?

15 A He is the director of the AOC.

16 Q You agree that this policy on the top of page

17 6, as you read on to page 6, requires you also

18 to, if someone reports sexual harassment to

19 you, and they ask you not to report it up, you

20 still have to report it above you?

21 A Yes.

22 Q Thank you. I will have you take a look at

23 this policy while I have it marked as 16.

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1 (Whereupon, the court reporter

2 marked Exhibit Number 16, Fraternization

3 Policy, for Identification.)

4 Q What is 16?

5 A It looks like it is -- I can't think of the

6 word.

7 Q Fraternization policy?

8 A Yes, thank you.

9 Q And have you seen a different version of this

10 before, or is this as far as you know, the

11 policy you have seen in place -- strike that.

12 That is a bad question.

13 This looks like a policy that was in

14 place as of at least March 16, 2007, according

15 to the date on the signature?

16 A Yes.

17 Q Do you know of any other versions of this that

18 have been in place since that time?

19 A No.

20 Q Is this the policy that would have been in

21 place when Chuck Walker left the employment

22 with the court?

23 A I am not sure if it possibly changed, because

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1 he would have left in 2008.

2 Q I think that is right. I am not positive.

3 A I can't say with certainty, but this probably

4 still is the same policy.

5 Q Are you familiar with Judicial Branch

6 Personnel Rule 27 which was the 20 Brown,

7 exhibit?

8 A Yes.

9 Q And is that one of the rules that would be

10 something, if there was a violation, that a

11 supervisor should report to one of the

12 reporters listed along with the RCAs?

13 Let me ask a different question

14 because that is unclear.

15 Is that rule covered in the scope of

16 rules that should be reported if violated to

17 persons such as yourself?

18 MS. DEMPSEY: Objection as to form.

19 You can answer.

20 A If I was an administrator, and I had a clerk

21 come to me with an employee that fell under

22 this, it would become a disciplinary action,

23 and I would be in consultation with Judge

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1 Kelly and HR as to how to proceed. This rule,

2 violation or potential or alleged violation of

3 this rule, would normally result in some sort

4 of disciplinary action.

5 Q Would you say that the stalking petition by

6 Tracy Ash against Lisa Towle with the finding

7 that there was a stalking incident as we

8 reviewed, would violate this rule?

9 MS. DEMPSEY: Objection as to form.

10 You can answer.

11 A That is hard for me to say, not knowing the

12 circumstances of -- I don't know the

13 circumstances either around that stalking

14 petition, how it actually resolved, or what

15 consequences there were to Lisa.

16 Q Let's talk generally. If someone has a

17 finding by a district court against them with

18 respect to -- a finding of fact that there was

19 a stalking incident, would that be something

20 that would violate Rule 27?

21 A Well, I don't know what it would mean for me

22 if I was the administrator of that person, as

23 I would certainly bring it to Judge Kelly for

25 (Pages 94 to 97)

1 You can answer.

2 A Yes.

3 Q You are aware that one of the allegations we
4 just went over is that Michele -- that
5 co-workers invited her to join in a lesbian
6 sexual relationship?

7 A Yes, that is one of the ones we just read.

8 Q And we agreed that that was inappropriate, if
9 it occurred?

10 A Yes.

11 Q And when you were interviewed by Ms. Howe --
12 talked to, however we want to say it, did she
13 raise her voice to you?

14 A Ms. Howe?

15 Q Ms. Howe?

16 A No, not that I recall.

17 Q Was she pleasant to you?

18 A I recall it being a pleasant interview,
19 conversation, yes.

20 Q Did you understand whether she was an
21 independent investigator?

22 A I think I understood her role as being engaged
23 by the administrative office of the courts for